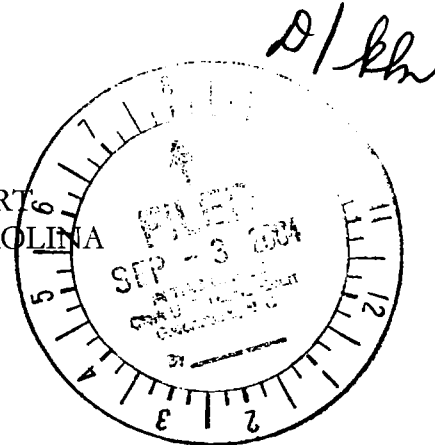


23. SEP 3 2004

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



JOHN and JANE DOE 2, Individually  
and as Guardians Ad Litem of  
MINOR CHILD DOE 2,

Plaintiffs,

v.

ORTHO-CLINICAL DIAGNOSTICS,  
INC. and ELI LILLY & COMPANY,

Defendants.

1:03CV00669

ORDER AND JUDGMENT

BEATY, District Judge.

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith,

IT IS ORDERED that Defendant Eli Lilly & Company's and Defendant Ortho-Clinical Diagnostics, Inc.'s Motions to Dismiss [Documents #1, #11] pursuant to Rule 12(b)(1) are DENIED.

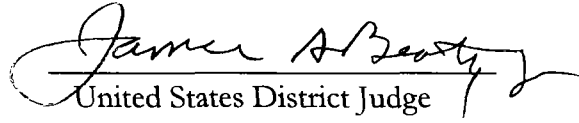
IT IS FURTHER ORDERED that Eli Lilly's Motion to Dismiss [Document #1] pursuant to Rule 12(b)(6) is GRANTED. Plaintiffs' claims against Eli Lilly are therefore DISMISSED. Accordingly, to the extent that Eli Lilly brings any other Motions, these Motions are DENIED as moot.

IT IS FURTHER ORDERED that Defendant Ortho-Clinical's Motion to Dismiss [Document #11] pursuant to Rule 12(b)(7) is DENIED.

IT IS FINALLY ORDERED that Ortho-Clinical's Alternative Motion to Stay [Document #11] is DENIED. Plaintiffs and Defendant Ortho-Clinical are therefore DIRECTED to proceed with this case in accordance with the normal pretrial procedures in the Middle District of North

Carolina.

This, the 3 day of September, 2004.

  
United States District Judge